

RAMIRO MORALES, Bar # 167947
rmorales@mfrlegal.com
DAVID A. ASTENGO, Bar # 196096
dastengo@mfrlegal.com
MORALES FIERRO & REEVES
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, California 94523
Telephone: (925) 288-1776
Facsimile: (925) 288-1856

Attorneys for Defendant and Third-Party Plaintiff,
WESTCHESTER SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a
California Corporation,

Plaintiff,

vs.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, a Georgia
Corporation, and ROES 1 through 50, inclusive,

Defendants.

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF THIRD-
PARTY DEFENDANT FEDERATED
SERVICE INSURANCE COMPANY**

AND RELATED THIRD-PARTY CLAIMS

Pursuant to F.R.C.P. 41, Third-Party Defendant Federated Service Insurance Company. ("Federated") and Third-Party Claimant Westchester Surplus Lines Insurance Company ("Westchester") have agreed and hereby stipulate to the dismissal of Federated from this action, without prejudice, subject to said parties' mutual waiver of costs. Said parties request the Court's approval and execution of the below proposed order for dismissal.

1 **IT IS SO STIPULATED.**

2
3 Dated: August __, 2011

LAW OFFICES OF SEMHA ALWAYA,
A PROFESSIONAL CORPORATION

5
6 By: 

Semha Alwaya

Counsel for Third-Party Defendant
FEDERATED SERVICE INSURANCE COMPANY

8
9 Dated: August 3, 2011

MORALES FIERRO & REEVES, LLP,

10
11
12 By: 

David A. Astengo

Counsel for Third-Party Defendant
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

13
14
15 **PROPOSED ORDER OF PARTIAL DISMISSAL**

16
17 Having reviewed the above stipulation, the Court orders that Third-Party Claimant
18 Westchester Surplus Lines Insurance Company's claims against Third-Party Defendant Federated
19 Service Insurance Company be dismissed, without prejudice. The remainder of the third-party
20 complaint shall not be changed or impacted by this Order.

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22
23 Dated: 8/3/11



United States District Court
District of Northern California